



VIA CM/ECF

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The Honorable Freda L. Wolfson
United States District Court, District of New Jersey
Clarkson S. Fisher U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: Malibu Media LLC v. John Doe
Docket No. 3:15-cv-04269
Motion to Strike Amended Complaint (ECF 20)

Dear Judge Wolfson:

I am writing on behalf of the John Doe defendant, whose identity was disclosed when plaintiff filed an un-redacted amended complaint on Dec. 6, 2016 (ECF 20) in violation of this Court's Jul. 29, 2016 order allowing defendant to proceed anonymously (ECF 13). I discovered the offending pleading this morning, while preparing a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.¹

After discovering the offending pleading, I contacted Magistrate Judge Goodman's chambers this morning, to advise that defendant would be preparing a motion for emergency relief. When I called the magistrate judge's chambers, I received a recording that she was on vacation until next week, which prompted me to call Your Honor's chambers. I spoke with a male law clerk who advised me that Your Honor is also on vacation this week, but he nonetheless was able to help by temporarily sealing the offending pleading

¹ This case was filed in June 2015, and in October 2016, Magistrate Judge Goodman gave plaintiff one final extension until Oct. 27, 2016 to serve the defendant with process. Plaintiff ignored the final deadline, and didn't even attempt service until two months later, 532 days after filing the complaint.



pending further review.

My client is an educated professional, happily married, father of two young children, who is just the latest victim in Malibu Media's infamous scheme to extort large settlements out of doe defendants who don't want to be publicly shamed by being named in a federal lawsuit alleging that they stole pornographic movies using the internet. Moreover, as a person of reasonable intelligence, my client is having a difficult time understanding how he could be served with a summons two months after plaintiff was given a hard deadline with NO FURTHER EXTENSIONS unless good cause is shown. It is for those reasons that my client instructed me to file a motion to dismiss for insufficient process/service of process.

The current deadline to respond to the summons and amended complaint is tomorrow. Contemporaneously, I am therefore preparing an application and proposed order for an automatic extension so that this emergent issue can be addressed in the interim. With the Court's permission, the Doe Defendant intends to file a motion returnable Feb. 13, 2017, requesting the following relief:

- a) striking plaintiff's second amended complaint;
- b) dismissing the complaint with prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute; and
- c) directing Malibu Media to show cause as to why plaintiff should not be directed to pay sanctions for its violation of this Court's Jul. 29, 2016 order.

Respectfully yours,

HUB CITY LAW GROUP

/s/ Joseph A. Bahgat

Joseph A. Bahgat

Dated: 27-Dec-2016